

REMARKS

This application has been carefully reviewed in light of the Office Action dated July 21, 2004. Claims 1-11 remain pending in this application. Claims 1, 10, and 11 are the independent claims. Favorable reconsideration is respectfully requested.

On the merits, the Office Action rejected Claims 1-3, 5-8, and 10-11 under 35 U.S.C. § 102(b) as being anticipated by Shimizu et al. (U.S. Patent No. 4,866,702; hereinafter "Shimizu"). The Office Action also rejected Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Shimizu in view of Kobayashi (U.S. Patent No. 4,694,453; hereinafter "Kobayashi"). The Office Action also rejected Claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Shimizu in view of Schenkyr (U.S. Patent No. 5,218,600; hereinafter "Shenkyr"). Applicants respectfully traverse the above rejections for at least the following reasons.

Shimizu fails to recite or suggest a pilot signal generated by the at least one network node. Shimizu recites in Col. 7, lines 50-55 (emphasis added) that "Timing circuit 20 applies a series of timing pulses... to the arbiter line 16 at periodic intervals..." Shimizu's timing circuit 20, as depicted in Fig. 3, is situated within arbiter 3 (see Fig. 1) which is within the star node, as

opposed to the user terminals that correspond to Applicants' network nodes. Thus Applicants respectfully traverse the § 102(b) rejection of Claim 1 over Shimizu, because the reference fails to recite or suggest every limitation of Applicants' Claim 1.

Claims 10 and 11 recite a network node and a star node, respectively, each substantially corresponding to Claim 1 and are believed patentable for at least the same reasons.

Claims 2-9 depend from one or another of the independent claims discussed above and are believed patentable for at least the same reasons. Applicants respectfully believe Claims 2-10 to be independently patentable and request separate consideration of each claim. Applicants further believe the § 103 rejections of Claims 4 and 9 to be moot in light of the above remarks and request their withdrawal.

In view of the foregoing amendments and remarks, Applicants respectfully submits that the currently-pending claims are clearly patentably distinguishable over the cited and applied references. Accordingly, entry of this amendment, reconsideration of the rejections of the claims over the references cited, and allowance of this application is earnestly solicited.

Respectfully submitted,

By 

Aaron Waxler,

Reg. No. 48,027

Attorney

(914) 333-9608

October 21, 2004